

Pertaining to the Amendment of the Calvert County Zoning Ordinance  
(Section 3-1.01, Use #4, Section 3-1.05, Use #4)

**RE: COMMERCIAL KITCHENS**

(Text Amendment Case No. 11-3a and 12-04)

**WHEREAS**, *Article 66B* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland to enact a Zoning Ordinance to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment; and

**WHEREAS**, pursuant to that authority, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance; and

**WHEREAS**, after study and evaluation, the Department of Planning and Zoning of Calvert County recommended to the Planning Commission and the Board of County Commissioners the following text amendments to the Calvert County Zoning Ordinance regarding Commercial Kitchens: (1) Section 3-1.01, Use #4 to add a condition to "Commercial Kitchen, Farm" to require Health Department approval; (2) Section 3-1.05, Use #4, to add a condition to "Commercial Kitchen" to require Health Department approval; and (3) Section 3-1.01, Use #4 to allow "Commercial Kitchen, Farm" as a Conditional Use in the Historic District (HD); and

**WHEREAS**, after due notice was published, the Planning Commission of Calvert County, Maryland conducted a public hearing on September 21, 2011, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; and

**WHEREAS**, at the conclusion of said public hearing the Planning Commission voted to recommend approval of the amendments as proposed; and

**WHEREAS**, the Planning Commission conveyed its recommendation to the Board of County Commissioners by letter dated September 21, 2011; and

**WHEREAS**, after due notice was published, the Board of County Commissioners of Calvert County, Maryland conducted a public hearing on September 27, 2011, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; and

**WHEREAS**, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, to adopt the amendments proposed the Board of County Commissioners of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to the Calvert County Zoning Ordinance as set forth in Exhibits A and B, attached thereto and made a part thereof, as recorded with Ordinance 43-11; and

**WHEREAS**, an incorrect reference to Zoning Ordinance sections was found in the heading of Ordinance 43-11, recorded at Liber 38, Folio 269 ; and

**WHEREAS**, after due notice was published, the Board of County Commissioners of Calvert County conducted a public hearing on May 1, 2012 at which time the correction of the section references were discussed, staff's recommendations were considered, and public comment was solicited; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland, that Section 3-1.01, Use #4 and Section 3-1.05, Use #4, of the Calvert County Zoning Ordinance **BE**, and hereby **ARE**, amended by adopting amendments to Ordinance 43-11; and

**BE IT FURTHER RESOLVED AND ORDAINED**, by the Board of County

Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

**BE IT FURTHER RESOLVED AND ORDAINED**, by the Board of County

Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

**BE IT FURTHER RESOLVED AND ORDAINED**, by the Board of County


Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective May 14, 2012.

**DONE**, this 1<sup>st</sup> day of May, 2012 by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.


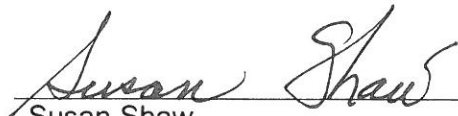
Aye: 5  
Nay: 0  
Absent/Abstain: 0

(SIGNATURES ON FOLLOWING PAGE)

ATTEST:

  
Corinne J. Cook, ClerkApproved for legal  
sufficiency on May 3, 2012

by:

  
John B. Norris, III, County AttorneyBOARD OF COUNTY COMMISSIONERS  
OF CALVERT COUNTY, MARYLAND  
Gerald W. Clark, President  
Steven R. Weems, Vice-President  
Pat Nutter  
Susan Shaw  
Evan K. Slaughenhaupt Jr.Received for Record May 11 2012  
at 12:00 o'clock P M. Same day  
recorded in Liber KPS No. 40  
Folio 102 COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.